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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF FIRE SERVICES
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Frequently Asked Questions Fireworks Violations & Fireworks Citation Appeals

1. Question: Who do I contact regarding local ordinances that violate the Michigan Fireworks Safety Act, Public Act (PA) 256 of 2011?

Answer: The Department of Licensing and Regulatory Affairs, Bureau of Fire Services' is responsible for upholding and enforcing the Michigan Fireworks Safety Act. According to the Michigan Fireworks Safety Act, PA 256 of 2011, [Section 28.457](#); a local unit of government may enact an ordinance regulating the ignition, discharge, and use of consumer fireworks, including, but not limited to, an ordinance prescribing the hours of the day or night during which a person may ignite, discharge, or use consumer fireworks. These types of actions are a matter of local concern and therefore resolution of these issues will be left to the local unit of government or legal remedies available to the interested parties.

2. Question: I am a fireworks certificate retailer; is it possible that I could be issued a citation?

Answer: Yes. If your retail sales location does not meet the code requirements as described in the [Michigan Fireworks Safety Act, PA 256 of 2011](#), [Fireworks Safety General Rules](#), NFPA 1124, 2006 Edition, Section 7, or NFPA 101, you may be issued a citation. At any time your retail sales location is found to be non-compliant you may be issued a citation and/or charged with a misdemeanor.

3. Question: When is it possible to be issued a citation?

Answer: According to [Michigan Fireworks Safety Act, PA 256 of 2011](#), Section 28.467a; if you are a certificate holder you may be issued a citation at the time of the site inspection or within 90 days after the inspection. The inspector may return at any time for a re-check of the area and if found to be in non-compliance, may issue a citation at that time. If you are not a registered fireworks certificate retailer, you would receive a citation for failure to comply with the requirements of PA 256 of 2011.

4. Question: I received a fireworks citation. What are my options?

Answer: According to the [Fireworks Safety General Rules](#) effective March 20, 2014, **R29.2920**, you may appeal the citation to the State Fire Marshal (SFM) or pay the

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citation fine. Payments for the fine can be mailed to the following: LARA/BFS, Violations Bureau, PO Box 30642, Lansing, MI 48909.

- a) A party wishing to appeal the fireworks citation or any penalty or fine assessed shall file an appeal with the SFM ***within 15 calendar days of issuance of the citation***. An appeal of the violation citation does not automatically stay a party's obligation to take action necessary to remedy the violation.
- b) You must submit your ***SFM appeal*** with the *Fireworks Appeal Request form*, BFS-415 and complete the following:
 - Complete sections A-E of the form.
 - The BFS-415 form must be signed and dated.
 - Mail appeal form (BFS-415) and relevant information for appeal to:
LARA/BFS
ATTN: State Fire Marshal
PO BOX 30642
LANSING MI 48910
- c) The state fire marshal, or the state fire marshal's designee, shall conduct a review of the citation appeal and decide the matter based on the interested parties' written submissions and documents, bureau records, applicable rules, and the state fire marshal's technical expertise.
- d) ***The state fire marshal is not authorized to conduct a hearing.***
- e) Within 28 calendar days of receipt of an appeal of a violation citation, the state fire marshal, or the state fire marshal's designee, shall issue a review decision setting forth the material findings of fact, conclusions of law, and remedial orders, if any.
- f) The review decision of the state fire marshal, or the state fire marshal's designee, shall contain notice of the right of interested parties to file an appeal to the State Fire Safety Board within 28 calendar days of issuance.

5. Question: I received the State Fire Marshal's Final Review Decision and it states it upholds the citation. What are my options?

Answer: According to the [Fireworks Safety General Rules](#) effective March 20, 2014, **R29.2922**, You may appeal the citation to the State Fire Safety Board (SFSB) or pay the citation fine. Payments for the fine can be mailed to the following: LARA/BFS, Violations Bureau, PO Box 30642, Lansing, MI 48909.

- a) An interested party to the review proceeding may file an appeal of the State Fire Marshal's Final Review Decision under R 29.2920 of these rules to the

SFSB *within 28 calendar days of the issuance of the final review decision.*

- b) You must submit your **SFSB appeal** with the *Fireworks Appeal Request form*, BFS-415 and complete the following:
- Complete sections A-E of the form.
 - The BFS-415 form must be signed and dated.
 - Mail appeal form (BFS-415) and relevant information for appeal to:
LARA/BFS
ATTN: SFSB
PO BOX 30642
LANSING MI 48910
- c) **PLEASE NOTE:** The State Fire Safety Board (SFSB) shall conduct a technical review of the State Fire Marshal's final review decision and decide the matter based ***solely on the administrative record*** created by the State Fire Marshal. *Any additional information submitted will not be considered by the SFSB.*
- d) ***The SFSB is not authorized to conduct a contested hearing.***
- e) The SFSB shall issue a decision setting forth its material findings of fact, conclusions of law, and remedial orders, if any, after official action by the state fire safety board at a regularly scheduled or special meeting.
- f) The decision of the SFSB shall contain notice of the right of interested parties to file an appeal to the Michigan Administrative Hearings System (MAHS) ***within 28 calendar days of issuance of the board's decision.***

6. Question: I received the State Fire Safety Board's (SFSB) Final Review Decision and it states it upholds the citation. What are my options?

Answer: According to the [Fireworks Safety General Rules](#) effective March 20, 2014, **R29.2923**, you may appeal the citation to the Michigan Administrative Hearing System (MAHS) or pay the citation fine. Payments for the fine can be mailed to the following: LARA/BFS, Violations Bureau, PO Box 30642, Lansing, MI 48909.

- a) An appeal from the SFSB decision will be a contested case before MAHS Administrative Law Judge (ALJ) governed by Chapter 4 of 1969 PA 306, MCL 24.271 to 24.287, and the Act.
- b) You must submit your **MAHS appeal** with the *Fireworks Appeal Request form*, BFS-415 and complete the following:
- Complete sections A-E of the form.

- The BFS-415 form must be signed and dated.
 - Mail appeal form (BFS-415) and relevant information for appeal to:
LARA/BFS
ATTN: MAHS Hearing Request
PO BOX 30642
LANSING MI 48910
 - You may submit any relevant information to the law judge.
- c) All parties involved will have the opportunity to be heard by the ALJ.
- d) MAHS will send a hearing notice that will include the date, time and location of the hearing date to all parties.
- e) The proposed decision of the ALJ shall be as follows: Within 10 business days of the conclusion of a hearing or within 5 business days of the receipt of the transcript, if any, or the additional time as allowed by the ALJ, each party may file with the ALJ a proposed order, including proposed findings of fact and conclusions of law, with the supporting argument and reasoning as are necessary to support the proposed order.
- f) Within 20 business days of the conclusion of a hearing or within 15 business days of the receipt of the transcript, if any, the ALJ shall serve upon parties by certified mail or personal service a proposed decision which shall include all of the following:
- A statement of the reasons for the proposed decision.
 - Issues of fact and law necessary for the proposed decision.
 - The decision of the administrative law judge which shall be based upon consideration of the whole record and shall be made on the basis of a preponderance of reliable and probative evidence.
 - Unless a party, within 10 business days of the receipt of the proposed decision, files exceptions to the proposed decision with supporting reasons, the proposed decision shall become a final decision of the director of the department. Exceptions shall refer to the specific issues of fact and law, or accepted terms of the proposed decision. If the testimony had been transcribed, reference shall be made to specific pages of the transcript, and shall suggest modified issues of fact and law, and terms of the proposed decision.
 - An administrative law judge's proposed decision under this rule shall not be operative while that decision is being referred to the director.

7. Question: I received a fireworks citation and did not appeal the citation and have not paid the citation civil fine within 15 calendar days of issuance of citation. What will happen?

Answer: The Bureau of Fire Services will refer your case to the Michigan Department of Treasury for collection proceedings.

- 8. Question: I received a fireworks citation and would like to accept responsibility and pay the fireworks citation civil fine. I do not have the funds to pay the citation in one payment. What are my options?**

Answer: The Bureau of Fire Services does not have a collections program that tracks and records partial payments. Payment in full is required.

- 9. Question: What payment options are available to pay my fireworks citation?**

Answer: You may pay by check, money order or online by credit card. To pay a citation civil fine, go to: [Fireworks Citation Civil Fine Online Payments](#)

For a better understanding of the Rules and regulations for fireworks retailers you may find current updated information below. You may review the following laws and rules pertaining to Fireworks at: [Michigan Fireworks Safety Act, PA 256 of 2011](#) or the [Fireworks Safety General Rules](#).

For further assistance you may contact the Bureau of Fire Services at:

For general fireworks application questions 517-373-7441 or by email at fireworks@michigan.gov or

For general citation appeal questions at 517-241-8847 or by email at fireworksappeals@michigan.gov.